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7 Attorneys for Plaintiffs
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 MICHAEL B. ESHELMAN, D.D.S.; PETER F. SILCHER, D.D.S.; and LORI I. SILCHER,

No. C 07 1429 JSW

Action Filed: March 12, 2007

Plaintiffs,
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V.

16 ORTHOCLEAR HOLDINGS, INC. a British
17 Virgin Islands Company; ORTHOCLEAR,
18 INC., a Delaware Corporation;
19 MUHAMMAD ZIAULLAH CHISHTI, an
individual; HUAFENG "CHARLES" WEN,
an individual; PETER RIEPENHAUSEN, an
individual; ARTHUR T. TAYLOR, an
individual; SAIYED ATIQ RAZA, an
individual; CHRISTOPHER KAWAJA, an
individual; PATRICIA HUMELL SEIFERT,
an individual; JOSEPH BREELAND, an
individual; MUDASSAR RATHORE, an
individual; PAUL BADAWI, an individual;
20 3i Technology Partners III, LP; and DOES 1
through 25, inclusive.,

**STIPULATED REQUEST AND
[PROPOSED] ORDER EXTENDING TIME**

Defendants.

1 **STIPULATED REQUEST FOR ORDER EXTENDING TIME**

2 Pursuant to Local Rules 6-2 and 7-12, Plaintiffs Michael B. Eshelman, D.D.S.,
3 Peter F. Silcher, D.D.S., and Lori I. Silcher (“Plaintiffs”) and Defendants Ocumenta
4 Capital Holdings, Inc. (f/k/a OrthoClear Holdings, Inc.) (“OrthoClear”), Muhammad
5 Ziaullah Chishti, Huafeng “Charles” Wen, Peter Riepenhausen, Arthur T. Taylor, Saiyed
6 Atiq Raza, Christopher Kawaja, Patricia Humell Seifert, Joseph Breeland, Paul Badawi,
7 3i Technology Partners III, LP (“3i”) (collectively “Defendants”), request that the Court
8 enter an order adopting the briefing and hearing schedule below in connection with
9 Defendants’ previously filed and planned motions pursuant to Rule 12(b)(6).

10 **STIPULATION**

11 WHEREAS on July 24, 2007, Plaintiffs filed their Second Amended Complaint;

12 WHEREAS on August 7, 2007, Defendants 3i and Badawi filed a motion to dismiss
13 pursuant to Rule 12(b)(6) that is currently scheduled to be heard on October 26, 2007;

14 WHEREAS the remaining Defendants currently are required to respond to the Second
15 Amended Complaint no later than September 10, 2007;

16 WHEREAS the Parties plan a mediation to occur before further briefing of the motions to
17 dismiss described below; and

18 WHEREAS the Parties believe that rescheduling the motions to dismiss will aid their
19 efforts to resolve this case by reducing litigation costs.

20 NOW THEREFORE, the Parties hereby stipulate that (1) any and all of Defendants’
21 motions to dismiss pursuant to Rule 12(b)(6) will be heard on December 7, 2007 at 9:00 a.m.; (2)
22 Defendants other than Badawi and 3i will file their motions on October 26, 2007; (3) Plaintiffs
23 will file their oppositions to Defendants’ motions on or before November 9, 2007; and (4)
24 Defendants will file any reply on or before November 16, 2007.

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1 DATED: September 10, 2007

LAW OFFICES OF ALAN W. SPARER

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By: _____ /s/

ALAN W. SPARER

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Attorneys for Plaintiffs

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Concurrence in the filing of this document has been obtained by each of the other signatories.

7 DATED: September 10, 2007

SHARTSIS FRIESE LLP

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By: _____ /s/

ARTHUR J. SHARTSIS

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Attorneys for Defendants Ocumeta, Inc. and
Ocumeta Holdings, Inc. (f/k/a OrthoClear, Inc. and
OrthoClear Holdings, Inc. respectively), Chishti,
Wen, Riepenhausen, Taylor, Raza, and Breeland

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DATED: September 10, 2007

ROBIE & MATTHAI

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By: _____ /s/

EDITH R. MATTHAI

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Attorneys for Defendant Seifert

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DATED: September 10, 2007

MCDERMOTT WILL & EMERY

By: _____ /s/

DAVID ALEXANDER

Attorneys for Defendant Kawaja

1 DATED: September 10, 2007

ROPS & GRAY

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3 By: _____ /s/

4 RANDALL W. BODNER

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7 Attorneys for Defendant 3i

ORDER

8 This Court, having reviewed this Stipulation of the parties, and good cause appearing
9 therefore, orders that (1) Defendants' motions to dismiss pursuant to Rule 12(b)(6) will be heard
10 on December 7, 2007 at 9:00 a.m.; (2) Defendants other than Badawi and 3i will file their
11 motions to dismiss on October 26, 2007; (3) Plaintiffs will file their oppositions to all of
12 Defendants' motions to dismiss on or before November 9, 2007; and (4) Defendants will file any
13 reply on or before November 16, 2007.

14 **IT IS SO ORDERED.**

15 Dated: September 11, 2007

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HON. JEFFREY S. WHITE
18 UNITED STATES DISTRICT COURT JUDGE
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